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LETTER SEEKING RECUSAL
2018 JUN 20 PM 7:34

Hon. Margo K. Brodie
United States District Court Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Capogrosso v Gelbstein, CV18-2710

Judge Brodie;

In response to Magistrate Bloom's recent Orders I ask you to consider:

Point One

Magistrate Bloom in her Order dated June 12, 2018 in response to Plaintiff's Objection to Defendant's Gelbstein request for an extension of time to answer Plaintiff's Complaint writes, "plaintiff is an attorney. Thus, should be aware of such professional courtesy and conduct himself accordingly."

In response, unquestionably throughout my entire career, I have acted professionally, when warranted.

Truth be told, I come to this Court because my colleagues at the Department of Motor Vehicles have afforded me no professional courtesy, and therefore deserve none in return.

Magistrate's Bloom is dismayed and disapproves.

I remind this Court, as stated in my Complaint, of the following:

1) Ida Traschen – refused to answer my numerous phone calls and letters to her office while seeking an explanation as to my expulsion from the Department of Motor Vehicles (DMV) Traffic Violations Bureau (TVB);

2) Bushra Vahdat refused to answer my letters to her office seeking an explanation of my expulsion;

3) Alan Gelbstein laughed and giggled and told me “a spade was a spade” when I complained of the actions of security guard David Smart and took no actions to stop the actions of security guard Smart, then refused to answer my letters to his office seeking an explanation of my expulsion;

4) Danielle Calvo expelled me from the Brooklyn South DVM TVB on May 11, 2015 in the presence of 8-10 police officers and gave me no opportunity for redress, then filed some type of work violence report without giving me an opportunity to respond;

6) Jean Flanagan and Vincent Palmieri accepted Calvo actions without questioning.

Magistrate Bloom is offended by my reply/objection of June 6, 2018, that I will not agree to give any professional courtesy when Defendant Gelbstein seeks an extension of time to answer my Complaint. My very Complaint, shown above, justifies such a response. In consequence, I question Magistrate Bloom’s ability to afford me a fair hearing on the merits.

Point Two

Further, I sought an extension of time to file my reply to Defendant Smart’s and Tahir’s Answer/Counterclaim (dated May 29, 2018) by my letter of June 14, 2018 to

Magistrate Bloom. Though Magistrate Bloom did rule in my favor, as I understand it (by way of my phone conversation with the Clerk of the Court on June 20, 2018), her ruling came out on June 18, 2018 and was not docketed until after end of business (4:45pm) on June 19, 2018. As you know I needed to reply by June 19, 2018, (21 days after receiving Defendants Answer/Counterclaim), and as such her late docketed ruling gave me no relief. I have been disadvantaged.

I seek a fair hearing on the merits and based on this docketing mishap, I question Magistrate Bloom's ability to afford me a fair hearing.

Point Three

In my letter to Magistrate's Bloom on June 14, 2018 seeking an extension of time to answer Defendants Tahir's and Smarts counterclaims, the reasons given for such an extension were the very same reasons as my adversary, M. Siegmund, in his letter to Magistrate Bloom, of May 30, 2018 in which he writes "Additional time is also required to investigate the facts alleged in the Complaint, including interviewing parties and witnesses, and gathering relevant records..."

Attorney Siegmund is responding to my Complaint and I am responding to Defendants Tahir and Smart's Complaint by way of counterclaims.

Although we give the same reasons for seeking an extension of time to Answer, Magistrate Bloom takes offense to my request yet takes no offense to Attorney Siegmund's request.

I seek a fair hearing on the merits and based on Magistrate's Bloom's Order of June 18, 2018 I question Magistrate Bloom's ability to afford me such a fair hearing.

Conclusion

For the aforementioned, I seek the recusal of Magistrate Bloom or in the alternative a fair hearing on the merits.

Dated; June 20, 2018
Westchester, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M-H Capogrosso', is written over a horizontal line.

Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, NY 10804
(914) 806-3692

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO, ESQ.

Plaintiff

-against-

CV-18-2710

ALAN GELBSTEIN, et. al

AFFIRMATION OF SERVICE

Defendants

I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the
attached ~~Motion to Dismiss~~ *LETTER SETTING REFUSAL*

upon:

Mark Siegmund (upon his affirmation
in representing Defendants
Gelbstein, Vahdat, Traschen, Prickett Morgan,
Flanagan, Palmieri, Calvo)
Assistant Attorney General
28 Liberty Street
New York, NY 10005


Sadiq Tahir
2994 Coney Island Avenue
Brooklyn, NY 11235

Pec Group of NY
935 S. Lake Blvd. #7
Mahopac, NY 10541

David Smart
2875 West 8th Street
Brooklyn, NY 11224

via U.S. Postal Service First Class Mail, this 19th day of June, 2018.

Westchester, NY
June 20, 2018



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